

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

WILLIAM NORKUNAS

v.

SHRI HARI HOSPITALITY, LLC

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No. 3-11-0284

ORDER

By contemporaneously entered order, the Court has approved and entered the parties' joint initial case management plan and order, with a slight modifications addressed at the initial case management conference held on July 29, 2011. That modification and other matters addressed on July 29, 2011, are as follows:

1. The parties agree that the correct name of the defendant is Platinum Gateway II, LLC.

Therefore, the Clerk is directed to terminate Shri Hari Hospitality, LLC and to substitute therefor Platinum Gateway II, LLC as the sole defendant in this case.

2. The plaintiff shall have until October 17, 2011, serve expert disclosures in accord with Rule 26(a)(2) of the Federal Rules of Civil Procedure.

3. All written discovery shall be served no later than December 30, 2011.

4. Because the parties anticipate little or no discovery of electronically stored information, they are exempted from the provisions of Administrative Order No. 174, entitled "Default Standard for Discovery of Electronically Stored Information ('E-Discovery')," entered July 9, 2007.

5. With the agreement of the parties, there shall be no rebuttal or supplemental expert disclosures.

6. Any discovery motions shall be filed by February 2, 2012.

As provided in the contemporaneously entered order, any dispositive motion shall be filed by February 29, 2012. Any response shall be filed within 30 days of the filing of the motion or by March 30, 2012, if the motion is filed on February 29, 2012. Any reply, if necessary, shall be filed

within 14 days of the filing of the response or by April 13, 2012, if the response is filed on March 30, 2012.

There shall be no stay of discovery before the February 1, 2012, deadline for completion of fact discovery or the February 29, 2012, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

7. Counsel for the parties shall convene a telephone conference call with the Court on **Wednesday, August 31, 2011, at 10:00 a.m.**, to be initiated by defendant's counsel, to address the status of settlement discussions, the potential for settlement, propriety of ADR, whether there is a possibility that the defendant may want to add the architect as a third-party defendant, and any other appropriate matters.

Counsel for the parties advised that they intend to consent to proceed before the Magistrate Judge. Therefore, contingent upon the parties' filing a consent to proceed before the Magistrate Judge and a reassignment of this case to the Magistrate Judge, a non-jury trial is tentatively scheduled to begin on **Tuesday, July 24, 2012, at 9:00 a.m.**, in Courtroom 764, U.S. Courthouse, 801 Broadway, Nashville.

The parties are directed to contact Ms. Jeanne Cox, Courtroom Deputy, by 12:00 noon on Friday, July 20, 2012, if this case has settled. Failure to provide such notification in the event the parties have settled the case may result in assessment of costs against the parties and/or their attorneys.

The pretrial conference is also scheduled on **Tuesday, July 17, 2012, at 1:00 p.m.**, in Courtroom 764.

By June 22, 2012, counsel shall advise opposing counsel of those portions of any depositions to be read at trial or those portions of video depositions to be viewed at trial, in accord with Rule 26(a)(3)(A)(ii) of the Federal Rules of Civil Procedure, and shall serve a list of the expected witnesses and exhibits in accord with Rule 26(a)(3)(A)(i) and (iii) of the Federal Rules of Civil Procedure.

By July 2, 2012, the parties shall file any motions in limine, any Daubert motions and/or motions relating to expert testimony, any evidentiary objections to deposition testimony, in accord with Local Rule 39.01(d)(1) and Rule 26(a)(3)(B), and any objections to proposed exhibits in accord with Rule 26(a)(3)(B).

Any responses to such motions in limine, any responses to any Daubert motions and/or motions relating to expert testimony, and any responses to objections to deposition testimony and proposed exhibits shall be filed by July 10, 2012.

By July 10, 2012, the parties shall also:

1. Submit a proposed joint pretrial order;<sup>1</sup>
2. File and serve their respective final witness and exhibit lists; and
3. File a listing of all agreed stipulations.

A deadline for filing pretrial briefs will be established at the pretrial conference, if appropriate.

The parties shall premark all exhibits and comply with Local Rule 39.01(c)(4).

It is so ORDERED.

  
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JULIET GRIFFIN  
United States Magistrate Judge

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<sup>1</sup> The pretrial order shall contain (1) a recitation that the pleadings are amended to conform to the pretrial order and that the pretrial order supplants the pleadings; (2) a short summary of the plaintiff's theory (no more than one page); (3) a short summary of the defendant's theory (no more than one page); (4) the issues to be submitted to the Court; (5) any anticipated evidentiary issues; and (6) a statement that the parties have complied with the provisions of this order.